

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:14-CR-00113-JAR
)	(NCC)
MALIK MUHAMMED,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the court upon review of the file and the Government's Motion For A Status Conference (see Docket No. 27). All pretrial motions in the above cause were referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b).

The defendant was arraigned on April 21, 2014, and entered a plea of not guilty to the charges made in the indictment. At the time of the arraignment, the undersigned entered an Order Concerning Pretrial Motions (see Docket No. 15). A copy of the Order was given to counsel for both parties at the arraignment. In that Order, the parties were granted to May 5, 2014 in which to file any pretrial motion(s). It was further ordered that if the defendant chose not to file any pretrial motions, counsel for the defendant was to file a memorandum with the court so stating. The Order also noted that no extension of the deadline set out in the Order would be granted except upon written motion, made before the expiration of the deadline, and for good cause shown. The Order finally noted that failure to timely file motions, or to request an extension of time to do so, would be considered a waiver of the right to file motions, as set out in Rule 12(e), Federal Rules of Criminal Procedure.

As of this date, the defendant has filed no pretrial motions; nor has he filed a memorandum stating that he does not wish to raise any issues by way of pretrial motion. The defendant has,

however, filed three motions for Extension of Time to File Pretrial Motions.

His first such motion was filed on the original pretrial motion deadline, which was May 5, 2014 (see Docket No. 20). The court granted his motion, giving him until May 19, 2014 (see Docket No. 22). He then filed another such motion on the next deadline (see Docket No. 23). The court again granted his motion, giving him until June 2, 2014 to file pretrial motions (see Docket No. 24). Finally, the defendant filed a third motion for Extension of Time on June 6, 2014, four days past the deadline (see Docket No. 25). This last request in turn was granted by the court, and the defendant was given until June 13, 2014 to file pretrial motions (see Docket No. 26). It is now June 18, 2014 and the defendant still has not filed any pretrial motions, and has not asked for additional time.

Therefore, in accordance with Rule 12(e), Federal Rules of Criminal Procedure, and pursuant to the Order Concerning Pretrial Motions entered on April 21, 2014, this failure by the defendant constitutes a waiver of his right to raise issues by way of pretrial motion.

Accordingly,

IT IS HEREBY ORDERED that the Government's Motion For A Status Conference (Docket No. 27) is DENIED as moot.

IT IS FURTHER ORDERED that a record of the defendant's waiver will be made at the pretrial hearing scheduled on **Friday, June 20, 2014, at 10:00 a.m.** Counsel for the parties and the defendant are required to be present at the hearing.

/s/ Noelle C. Collins
UNITED STATES MAGISTRATE JUDGE

Dated this 18th day of June 2014.